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C O N F I D E N T I A L SECTION 01 OF 02 LISBON 000330

SIPDIS

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SUBJECT: S/GC AMBASSADOR FRIED DISCUSSES GUANTANAMO IN
PORTUGAL

Classified By: POL/ECON COUNSELOR RICHARD REITER, FOR 1.4B, D.

11. (C) SUMMARY. Ambassador Daniel Fried met on June 19 with Portuguese MFA Political Director Nuno Brito to discuss Portugal's willingness to accept detainees from Guantanamo detention center. Portugal will accept "up to three" detainees, Brito said, to be selected from among four individuals whose files the MFA has already received plus four others whose files the MFA would like to review. Portugal will seek USG guarantees that none of the detainees it accepts for resettlement flew into or over Portugal on the way to Guantanamo. Brito agreed to the suggestion that follow-up questions and requests be handled via regular intelligence channels. Portuguese officials are now reviewing their legal regime to find a way to allow the GOP to monitor the individuals and limit their options for travel abroad. Ambassador Fried stated that the GOP would be able to interview candidates for resettlement, and that the US would work with Portugal to resolve modalities for the actual transfer. When all details have been resolved, an exchange of diplomatic notes will confirm the agreement. END SUMMARY.

PORTUGAL COMMITTED TO THREE DETAINEES

12. (C) Ambassador Daniel Fried (S/GC), joined by DCM and P/E Counselor, met in Lisbon on June 19 with Portuguese MFA Political Director Nuno Brito, who was joined by MFA Deputy PolDir Rui Maciera. Brito noted that Portuguese FM Amado had been persuasive within the Portuguese government and at the EU on the need to support US efforts, and Portugal is firmly committed to accepting "up to three" detainees. He asked that this information be kept confidential at this point, so that FM Amado can announce it publicly when internal GOP deliberations are completed. Brito added that an Annex to the conclusions from the June 19 European Council summit reaffirmed the US/EU statement that was concluded at the June 15 GAERC.

ISSUE OF CIA FLIGHTS

13. (C) Brito also commented on the issue of alleged CIA rendition flights/detainee transfers over Portuguese airspace and/or through Lajes airbase in the Azores, saying this has been a big topic in the Portuguese press, and the Portuguese Prosecutor General last week decided, for lack of evidence, to close an investigation initiated two years ago. Portugal will seek guarantees from the USG that any detainee slated for resettlement in Portugal did not stop in or fly over Portuguese air space on the way to Guantanamo. The legal question, said Deputy PolDir Rui Maciera, is that it is unlawful to transport a person through Portugal without the individual's consent or a judicial order, so the GOP is afraid of lawsuits should such a detainee be resettled here.

CHANNELS FOR FOLLOW-UP QUESTIONS

14. (C) Ambassador Fried noted that bio files on five detainees were passed to Portugal this week and suggested that if the GOP has follow up questions, they should be transmitted through intelligence channels. Brito agreed and said that further, quiet discussions would be held not only with the U.S., but also with other EU members even prior to the formal notifications that must take place as part of their Schengen obligations, as well as with countries of the individual detainees' nationalities. Maciera noted that Portugal would need U.S. approval to share information with other receiving countries and countries where detainees may have previously resided, specifically citing Italy and Germany. Fried asked that this request be made through intelligence channels and undertook to respond to all queries. Maciera said that the first such query might be sent the week of June 22.

SPECIFIC DETAINEES

15. (C) Commenting on the five files already passed to Portugal, Brito stated that detainee Ourgy (TS-502) is not/not acceptable to Portugal. However, Portugal would like to receive files on four Syrians said to be at Guantanamo by Amnesty International, who reports that they want to relocate to Portugal; and Brito undertook to provide the names to Fried. Thus, Brito calculated, Portugal's review will encompass eight detainees: the three Tunisians (excluding Ourgy) and one Yemeni already passed this week, plus the four

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Syrians.

POST-RESETTLEMENT MEASURES

16. (C) Saying "we accept the obligation of monitoring them", Brito said the GOP is now reviewing the legal implications of monitoring the detainees and will be developing new mechanisms to limit their travel. Maciera added that "we anticipate our legal framework will change even after they are in Portugal", but confirmed that the individuals would have the right to live and work in Portugal. Maciera said that during internal GOP discussions, the Portuguese domestic services had noted that the Tunisians had been radicalized while living in Europe and expressed concern that they may still have contacts with extremist networks. Brito flatly stated that the GOP will not/not be seeking financial assistance from the US but asked if the US will provide a stipend to the detainees, possibly channeled through ICRC. Ambassador Fried responded that the USG does have modest funds to reimburse some expenses, and he undertook to review this request.

17. (C) Maciera commented that Portugal resettled one of the Palestinians from the 2002 Church of the Nativity siege, and the GOP continues to monitor him. He has been working at the Palestinian mission in Lisbon and receiving a stipend from the ICRC, augmented by a GOP stipend, and is now thoroughly at home and has not sought to travel abroad.

DETAILS OF TRANSFER

18. (C) Ambassador Fried said the GOP would be able interview detainees in Guantanamo, and Brito said that a Portuguese team of domestic security and border officials would accept this offer. Brito added that the GOP would endeavor to narrow its list of candidates as much as possible before conducting the interviews, to avoid undue press speculation and raising expectations among detainees. Regarding the actual transfers, Ambassador Fried said they can be carried out with either US or Portuguese aircraft, and asked for Portuguese views on modalities. Fried stated that once all details are resolved, the US and Portugal would seal the deal via an exchange of diplomatic notes. Ambassador Fried passed

to Ambassador Brito a letter of support for the resettlement process from UNHCR.

COMMENT

19. (C) The Portuguese commitment to resettle up to three detainees is serious, and ForMin Amado confirmed it publicly in press remarks on June 21. Brito is focused on details and modalities, and gaming out the best way to make the deal palatable to the Portuguese public during an election season.

This cable was cleared by Ambassador Fried.

For more reporting from Embassy Lisbon and information about Portugal, please see our Intelink site:

<http://www.intelink.sgov.gov/wiki/portal:portugal>
BALLARD